



Henry M. Greenberg
Telephone: (518) 689-1492
Fax: (518) 689-1499
greenbergh@gtlaw.com

February 16, 2022

VIA ECF

The Honorable Thomas J. McAvoy
United States District Court
Northern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Brigette Mabe v. Wal-Mart Associates, Inc.*,
Civil Action No. 1:20-cv-00591-TJM-CFH

Dear Judge McAvoy:

On behalf of Defendant Wal-Mart Associates, Inc., I write to call to the Court's attention the attached decision from the New York Court of Appeals in *Konkur v. Utica Academy of Science Charter School* (decided Feb. 10, 2022), which was handed down last week. As Your Honor will see, the Court of Appeals held that Labor Law § 198-b does not contain an implied private right of action.

Respectfully submitted,

GREENBERG TRAURIG, LLP

A handwritten signature in blue ink, appearing to read "H.M. Greenberg", followed by a horizontal line.

Henry M. Greenberg

HMG/mtj
Enclosure
cc: All Counsel of Record
VIA ECF